

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: DINO F. BUCCI, JR.  
JANET DUNN  
ROGER KRZEMINSKI  
NANCY NEVERS

ABSENT: NONE

Also in attendance: James Gelios, Deputy Clerk  
Jerome R. Schmeiser, Community Planning Consultant  
Lawrence W. Dloski, Township Attorney  
James Van Tiflin, Township Engineer of Spalding DeDecker &  
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS called the roll. All members present.

2. Approval of Agenda Items (with any corrections)

**MOTION by BUCCI seconded by NEVERS to approve the amended agenda**

**MOTION carried.**

3. Approval of Bills

**MOTION by KRZEMINSKI seconded by DUNN to approve the bills as submitted.**

**MOTION carried.**

4. Approval of the September 14, 2005 previous Meeting Minutes

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

**MOTION by BUCCI seconded by MALBURG to approve the revisions to September 14, 2005 meeting minutes as submitted and discussed.**

**MOTION carried.**

5. CONSENT AGENDA ITEMS:

5A. Clerks Department:

1. Ground Sign Bond Return; Sec. 33 Windemere Office Building

5B. Department Monthly Reports

1. Macomb County Sheriffs Department
2. Building Department
3. Fire Department
4. Parks and Recreation Department
5. Water/Sewer Department

5C. Water & Sewer Department:

1. Easement Encroachment Agreement, Lot 351, Jefferson Meadows # 4
2. Easement Encroachment Agreement, Lot 172, Indian Pointe Subdivision.

**MOTION by KRZEMINSKI seconded by DUNN to approve the consent agenda items as submitted.**

**MOTION carried.**

6. Public Comments (Non Agenda items only - 3 minute time limit)

Public Portion: A Township resident who resides near 22 Mile and Hayes Road addressed his concerns regarding water flooding and drainage issues.

**PLANNING COMMISSION:**

7. **Rezoning; Agricultural (AG) to Light Industrial (M1);** Located on the south side of 23 Mile, approximately 1052 feet east of future Garfield Road; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-100-012.

*Tabled at the petitioner's request to the October 12, 2005 Board of Trustees Meeting.*

8. **Rezoning; Heavy Industrial (M2) to Light Industrial (M1);** Located on the southeast corner of 23 Mile Road and Corporate Drive; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-103-001.

*Tabled at the petitioner's request to the October 12, 2005 Board of Trustees Meeting.*

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

9. **Rezoning; Heavy Industrial (M2) to Light Industrial (M1);** Located on the west side of Corporate Drive, approximately 300 feet south of 23 Mile Road; Mark Rathbone, Petitioner. Permanent Parcel No. 08-20-103-002.

*Tabled at the petitioner's request to the October 12, 2005 Board of Trustees Meeting.*

10. **Extension of Time; Tentative Preliminary Plat (61 lots); Riverwoods Farms Subdivision (Expires August 11, 2005);** Located approximately ½ mile south of 21 Mile Road and ¼ mile east of Romeo Plank Road; Byron Nichols, Petitioner. Permanent Parcel No. 08-33-151-009

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Timothy Tomlinson, John Boll Jr., Byron Nichols and John Nichols

Public Portion: Thomas Christ, Township resident, addressed his concerns relating to the FEMA Flood Zone Map which involves the current proposal and adjacent parcels. Mr. Christ recommendation that the extension of time be denied.

Supervisor BRENNAN and Lawrence Dloski, Township Attorney, addressed the residents concerns.

**MOTION by DUNN seconded by BUCCI to approve the one year extension of time; Tentative Preliminary Plat (61 lots); Riverwoods Farms Subdivision from August 11, 2005 to expire August 11, 2006. Permanent Parcel No. 08-33-151-009**

**MOTION carried.**

11. **Final Preliminary Plat; Riverwoods Farms Subdivision (61 lots);** Located approximately ½ mile south of 21 Mile Road and ¼ mile east of Romeo Plank Road; Byron Nichols, Petitioner. Permanent Parcel No. 08-33-151-009

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Timothy Tomlinson, John Boll Jr., Byron Nichols and John Nichols

Public Portion: Thomas Christ, Township resident, recommendation that the matter be tabled for minimum of thirty (30) days to allow any resident to obtain the documentation through the appropriate Freedom of Information Act request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

Supervisor BRENNAN and Lawrence Dloski, Township Attorney, addressed the residents concerns.

**MOTION by BUCCI seconded by KRZEMINSKI to approve the Final Preliminary Plat; Riverwoods Farms Subdivision (61 lots); Permanent Parcel No. 08-33-151-009.**

**MOTION carried.**

12. **Tentative Preliminary Plat; The Woodlands Subdivision (157 lots);** Located on the east side of Card Road approximately ½ mile south of 23 Mile Road; GTR Builders, Petitioner. Permanent Parcel No. 08-23-300-021.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Christopher Cousino

Public Portion: None

**MOTION by KOEHS seconded by KRZEMINSKI to approve the Tentative Preliminary Plat; The Woodlands Subdivision (157 lots); Permanent Parcel No. 08-23-300-021.**

**MOTION carried.**

13. **Final Preliminary Plat; The Woodlands Subdivision (157 lots);** Located on the east side of Card Road approximately ½ mile south of 23 Mile Road; GTR Builders, Petitioner. Permanent Parcel No. 08-23-300-021.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Petitioner Present: Christopher Cousino

Public Portion: None

**MOTION by KRZEMINSKI seconded by MALBURG to approve the Final Preliminary Plat; The Woodlands Subdivision (157 lots); Permanent Parcel No. 08-23-300-021.**

**MOTION carried.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

**OLD BUSINESS:**

14. Motion restating agreement with the County of Macomb to collect Personal Property Taxes.

Supervisor BRENNAN and Lawrence Dloski, Township Attorney, reviewed the request.

Public Portion: None

**MOTION by KRZEMINSKI seconded by NEVERS to reaffirm the contract agreement that was entered into between the County of Macomb and the Township of Macomb on January 15, 1991 to collect Personal Property Taxes as follows:**

**AGREEMENT  
BETWEEN THE TOWNSHIP OF MACOMB  
AND COUNTY OF MACOMB  
TO COLLECT PERSONAL PROPERTY TAXES**

This agreement (the "Agreement") is made this 15<sup>th</sup> day of January 1991 between the Township of Macomb, of Macomb County, Michigan and the County of Macomb (the "County").

WHEREAS, the Township now wishes to enter an Agreement with the County of Macomb providing that the Macomb County Treasurer shall collect the delinquent personal property tax of Macomb Township for the tax year 1990 and all subsequent tax years until cancelled by either party.

NOW THEREFORE, in consideration of the mutual promises of the parties to this Agreement, the Township and the County agrees as follows:

1. Pursuant to Section 56 of Act No. 539 of the Public Acts of 1982, as amended, the County Treasurer shall be responsible for the collection of the delinquent personal property taxes of the Township for the tax year 1990 and all subsequent tax years until cancelled by either party.
2. Both the Township and the County, including the County Treasurer agree to comply with the requirements of the Act and other applicable laws governing the collection of delinquent personal property tax.
3. For services performed by the County Treasurer shall add to the amount of the assessed tax any collection or administration fee, distraint and sale fee, interest, penalty or charge provided by this Act and shall also collect whatever costs, fees or expenses allowed by a court if a remedy is pursued through the courts.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

**Acknowledging the terms of this Agreement, the parties have signed below as of this date first above stated.**

**This Agreement may be terminated by either party upon thirty (30) days written notice.**

**FOR THE MOTION: KRZEMINSKI, NEVERS, DUNN, BUCCI, MALBURG, KOEHS, BRENNAN.**

**OPPOSED: NONE**

**ABSENT: NONE**

**COUNTY OF MACOMB**

**BY: Adam E. Nowakowski, Treasurer**

**DATE: January 17, 1991**

**BY: Marie Malburg, Township of Macomb Treasurer**

**DATE: January 15, 1991**

**AGREEMENT ADOPTED.**

15. Request to authorize the Township Attorney to defend the Joseph Caradonna v Macomb Township

**MOTION by BUCCI seconded by KRZEMINSKI to authorize the Township Attorney to defend the Joseph Caradonna v Macomb Township.**

**MOTION carried.**

16. Request to authorize the Township Attorney to defend Masters of Macomb Development, Inc. v Township of Macomb

**MOTION by KRZEMINSKI seconded by DUNN to authorize the Township Attorney to defend Masters of Macomb Development, Inc. v Township of Macomb**

**MOTION carried.**

17. Freedom of Information Act Request Appeal; James Owens

Supervisor BRENNAN and Lawrence Dloski, Township Attorney reviewed the request.

Public Portion: James Owens, Township Employee, addressed his concerns relating to his Freedom of Information Act request. Supervisor BRENNAN and Lawrence Dloski, Township, held further discussion with Mr. Owens addressing his concerns.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

**MOTION by KRZEMINSKI seconded by BUCCI to deny the appeal of James Owens regarding his Freedom of Information Act request as the Township feels that he has been provided with all the documents in the Township's possession.**

**MOTION carried.**

18. **Request to discuss previous action of Sept. 14, 2005 to Revoke Site Plan Bond; Hunters Pond/ Westcreek Estates Condominiums;** Located on the south side of 24 Mile Road and east of Hayes Road. Paul Henderson, Petitioner. Permanent Parcel Nos. 08-18-100-027 & 08-18-100-008

James Van Tiflin, Township Engineer of Spalding DeDecker & Associates, reviewed the request and recommended to award the contract to Dave's Landscaping.

Public Portion: Township residents residing in the Hunters Pond/Westcreek Estates Condominiums addressed their concerns regarding the need of a revised site plan and the time frame for completion of the landscape plan.

**MOTION by KRZEMINSKI seconded by BUCCI to award the contract to Dave's Landscaping for the total cost of Eight Thousand Three Hundred Twenty Eight dollars and 20/100 to complete the landscape plan as approved for the Hunters Pond/Westcreek Estates Condominiums and release the remaining funds that remain from the retained Fifteen Thousand dollars and 00/100 (\$15,000.00) to the developer once completed.**

**MOTION carried.**

Addition:

- 18a. Request to authorize the Township Attorney to defend Sycamore Hollow, LLC v Township of Macomb.

**MOTION by KOEHS seconded by DUNN to authorize the Township Attorney to defend Sycamore Hollow, LLC v Township of Macomb**

**MOTION carried.**

**NEW BUSINESS:**

19. **Request to Schedule the Public Hearing Date (October 26, 2005); SAD; Street Lighting; Pinnacle Woods Subdivision;** Located on the south side of 23 Mile, 330 feet west of Townships limits; Landtec Development, Petitioner. Permanent Parcel No. 08-24-226-018.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

**MOTION by BUCCI seconded by KRZEMINSKI to approve the request to Schedule the Public Hearing Date (October 26, 2005); SAD; Street Lighting; Pinnacle Woods Subdivision; Permanent Parcel No. 08-24-226-018.**

**MOTION carried.**

20. **Request to Adopt Resolution No. 1 which establishes the Public Hearing Date (October 26, 2005); SAD; Detention Basin; Legacy Farms Subdivision No. 1; Located on the west side of Fairchild, approximately ¼ mile north of 22 Mile Road; Classic Development, Petitioner. Permanent Parcel No. 08-24-401-004.**

**MOTION by DUNN seconded by NEVERS to Adopt Resolution No. 1 which establishes the Public Hearing Date (October 26, 2005); SAD; Detention Basin; Legacy Farms Subdivision No. 1; Permanent Parcel No. 08-24-401-004. The resolution is as follows:**

**Resolution No. 1**

**Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on September 28, 2005 at 7:00 o'clock P.M., Eastern Daylight Savings Time.**

**PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers**

**ABSENT: None.**

**The following preamble and resolution were offered by Member Dunn and supported by Member Nevers.**

**WHEREAS, final approval of Legacy Farms Subdivision (the "Plat") has been requested by the proprietor(s) thereof; and**

**WHEREAS, the County Drain Commissioner of Macomb County (the "Drain Commissioner") and the Macomb Township Board (the "Township") have examined the Plat and are willing to approve it on the condition that Section 192, et seq. of the State Land Division Act (the "Act"), requiring that the proprietor(s) provide a detention basin, is satisfied; and**

**WHEREAS, Legacy Farms Association (the "Association") and/or lot owners in Legacy Farms Subdivision are responsible for the maintenance and operation of the detention basin pursuant to and in accordance with a Declaration of Covenants and Restrictions which will be recorded with the Macomb County Register of Deeds coincident with the recording of the Plat; and**



MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

**WHEREAS, in the event the Association and/or lot owners refuse, fail or neglect to maintain the detention basin which results in conditions threatening public health, safety or welfare thus requiring the Township to abate such conditions; and**

**WHEREAS, if the Township expends funds to correct such conditions and/or to assume the cost of operating and maintaining the detention basin, it is desirable that a Special Assessment District be established which will enable the Township to spread the cost upon all property located in such district by the imposition of a special assessment levy; and**

**WHEREAS, it has been proposed that the special assessment levy for each lot within the Plat be equal to the annual cost of the operation and maintenance of the detention basin multiplied by the fraction, the numerator of which is one (1) and the denominator of which is the total number of lots in the Plat; and**

**WHEREAS, pursuant to Sections 192a(2) and 192a(5) of the Act, proper notice must be given and hearing held on creation of the Special Assessment District and defraying the cost of operating and maintaining the detention basin by special assessment on the property benefited thereby.**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD  
OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

**1. That subject to approval at a public meeting, the Township hereby declares a Special Assessment District pursuant to its authority granted by Section 192a of the Act and such Special Assessment District shall consist of a portion of the property contained within the Plat.**

**2. That the Township Board give notice of and hold a public hearing on October 26, 2005 on the creation of the Special Assessment District and objections thereto, including the defraying of the cost of operating and maintaining the detention basin by special assessment on the property benefited thereby, shall be discussed. The operation and maintenance of the detention basin shall include, but not be limited to the operation and maintenance, the cutting of grass and removal of weeds and other debris.**

**3. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, and papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenience or desirable to carry out, put into effect or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

**AYES: DUNN, NEVERS, BUCCI, KRZEMINSKI, KOEHS, MALBURG,  
BRENNAN**

**NAYS: NONE**

**ABSENT: NONE**

---

**Michael D. Koehs, CMC  
Macomb Township Clerk**

**RESOLUTION DECLARED ADOPTED.**

**HUMAN RESOURCE DEPARTMENT:**

21. Annual Pension Plan Review by the Burnham & Flower Group and Nationwide Financial

Rob Kissler, Retirement Plan Consultant of Nationwide Financial & Todd Carless, Registered Representative of Burnham & Flower Group summarized the annual report.

**MOTION by KRZEMINSKI seconded by MALBURG to receive and file the Macomb Township Group Pension Plan Annual Review dated September 28, 2005**

**MOTION carried.**

**WATER & SEWER DEPARTMENT:**

22. Pay Certificate # 3, 23 Mile Road Sanitary Sewer, Contract #1, L.D'Agostini & Sons, Inc. MA03-015.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

**MOTION by DUNN seconded by NEVERS to approve Pay Certificate # 3 for the 23 Mile Road Sanitary Sewer Contract # 1, L.D'Agostini & Sons, Inc. MA03-015 for the total net cost of One Hundred Twenty Four Thousand Seven Hundred Eighty Nine dollars and 50/100 (\$124,789.50)**

**MOTION carried.**

23. Approval of Bids for Patnick Street Demolition.

David Koss, Water & Sewer Department Superintendent, reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

Public Portion: None

**MOTION by KRZEMINSKI seconded by DUNN to award the contract to Leo Salvaggio Excavation Inc. for the total cost of Twenty Three Thousand Five Hundred Eighty Six dollars and 00/100 (\$23,586.00) for the demolition of the structures for Patnick Street.**

**MOTION carried.**

24. Purchase Requisition Approval:  
A-B SLC Meter Service (*Meters & Customer Install*)  
C. East Jordan Iron Works (*Hydrant Maintenance*)

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

**MOTION by BUCCI seconded by KOEHS to approve the SLC Meter Service Inc. purchase request for the total cost of Twenty Two Thousand Two Hundred Fifteen dollars and 52/100 (\$22,215.52)**

**MOTION carried.**

**MOTION by KRZEMINSKI seconded by MALBURG to approve the SLC Meter Service Inc. purchase request for the total cost of Sixty Six Thousand One Hundred Forty Six dollars and 00/100 (\$66,146.00).**

**MOTION carried.**

**MOTION by DUNN seconded by KOEHS to approve the purchase requisition request through East Jordan Iron Works for the total cost of Thirteen Thousand Six Hundred Sixty One dollars and 88/100 (\$13,661.88).**

**MOTION carried.**

**BOARD COMMENTS:**

25. Supervisor Comments:

Addition:

- 25a. Community Recreation Building and Macomb Corners Park Phase II

Informational only

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

Addition:

25b. Annual Halloween Ride along with the Macomb County Sheriff Department

Informational only

26. Clerk Comments: None

27. Treasurer Comments:

Marie Malburg, Township Treasurer, informed the Members of the Board that the 2005-2006 Millage Rates have been established.

28. Trustees Comments: None

**EXECUTIVE SESSION:**

**MOTION by BUCCI seconded by KRZEMINSKI to adjourn into executive session at 8:10 p.m.**

**MOTION carried.** The Board reconvened at 8:20 p.m.

29. Semco Settlement of Tax Appeal - *Tabled*

30. Excel Properties v Township of Macomb

**MOTION by KOEHS seconded by DUNN to authorize the Township Supervisor, Township Clerk and Legal Counsel to sign the Excel Properties v Township of Macomb Consent Judgment.**

**MOTION carried.**

**ADJOURNMENT:**

**MOTION by BUCCI seconded by KOEHS to adjourn the meeting at 8:21 p.m.**

**MOTION carried.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING  
HELD ON WEDNESDAY, SEPTEMBER 28, 2005  
AT 7:00 P.M.

Respectfully submitted,

---

John D. Brennan, Supervisor

---

Michael D. Koehs, CMC  
Macomb Township Clerk  
MDK/gmh